

ADR

1 Your Name: BRIAN R. GRANTHAM
 2 Address: 1290 EAST 23RD ST, MERCED, CA 95340
 3 Phone Number: (209) 261-2602
 4 Fax Number: -
 5 E-mail Address: BRIANRGRANTHAM@AOL.COM
 6 Pro Se Plaintiff

E-FILED

FILED

SEP 21 2016

SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

United States District Court

Northern District of California

CV 16 5402

BRIAN R. GRANTHAM

Case Number: [leave blank]

HRL

Plaintiff(s),

COMPLAINT

vs.

HUNT & HENRIQUES

DEMAND FOR JURY TRIAL

Yes ☐ No ☒

Defendant(s).

1. Parties in this Complaint

a. **Plaintiff(s).** Write your name, address, and phone number. If there are other plaintiffs, use more pages to include their names, addresses, and phone numbers.

Name: BRIAN R. GRANTHAMAddress: 1290 EAST 23RD ST.MERCED, CA 95340Phone number: (209) 261-2602

b. **Defendant(s).** Write the full name and address of every defendant. If the defendant is a corporation, write the state where it is incorporated and the state where it has its main place of business. Use more pages if you need to.

Defendant 1:Name: HUNT: HENRIQUES, ATTY. AT LAWAddress: 151 BERNAL RD, STE #8SAN JOSE, CA 95119-1306**Defendant 2:**

Name: _____

Address: _____

Defendant 3:

Name: _____

Address: _____

Defendant 4:

Name: _____

Address: _____

2. Jurisdiction

Usually, only two types of cases can be filed in federal court: cases involving "federal questions" and cases involving "diversity of citizenship." Check at least one box.

☒ My case belongs in federal court under federal question jurisdiction because it is about federal law(s) or right(s).

Which law(s) or right(s) are involved? DEFENDANT VIOLATION OF 15 U.S.C. § 1692 (THE FAIR DEBT COLLECTION PRACTICES ACT / FDCPA)

☐ My case belongs in federal court under diversity jurisdiction because none of the plaintiffs live in the same state as any of the defendants AND the amount of damages is more than \$75,000.

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1 **3. Venue**

2 *This Court can hear cases arising out of Alameda, Contra Costa, Del Norte, Humboldt,*
 3 *Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco,*
 4 *San Mateo, and Sonoma counties. This is the right court to file your lawsuit if 1) All defendants*
 5 *live in California AND at least one of the defendants lives in this district; OR 2) A substantial*
 6 *part of the events you are suing about happened in this district; OR 3) A substantial part of the*
 7 *property that you are suing about is located in this district; OR 4) You are suing the U.S.*
 8 *government or a federal agency or official in their official capacities and you live in this district.*
 9 *Explain why this district court is the proper location to file your lawsuit.*

10 Venue is appropriate in this Court because OF REASONS #1 AND #2
 11 STATED ABOVE.

12
 13 **4. Intradistrict Assignment**

14 *There are three divisions of this Court: San Francisco/Oakland, San Jose, and Eureka.*
 15 *The San Francisco/Oakland division covers Alameda, Contra Costa, Marin, Napa, San*
 16 *Francisco, San Mateo, and Sonoma counties. The San Jose division covers Monterey, San*
 17 *Benito, Santa Clara, Santa Cruz counties. The Eureka division covers Del Norte, Humboldt,*
 18 *Lake, Mendocino counties, only if all parties consent to a magistrate judge. Explain which*
 19 *division your case should be assigned.*

20 This lawsuit should be assigned to [Select one: San Francisco/Oakland] San Jose OR
 21 Eureka] Division of this Court because DEFENDANT'S PRINCIPAL PLACE OF
 22 BUSINESS IS IN SAN JOSE

23
 24 **5. Statement of Facts and Claims**

25 *Write a short and simple description of the facts of your case. Include WHERE and*
 26 *WHEN the events happened, WHO was involved, WHAT role each defendant played, and HOW*
 27 *you were harmed. If you know which laws or rights the defendant violated, you can include them,*
 28 *but you do not need to make legal arguments. Put each fact or claim into a separate, numbered*

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paragraph, starting with 5a, 5b, and so on. Attach additional sheets of paper as necessary. You may attach documents that support your claims to the end of this Complaint as exhibits. Explain what each exhibit is, when and how you got it, and how it supports your claims. Attaching a document to your Complaint does not necessarily mean that it will be accepted as evidence.

(5a) ON SEPTEMBER 23, 2015, HUNT & HENRIQUES MAILED ME A LETTER ENTITLED "NOTICE OF INTENT TO FILE SUIT AND INCUR COURT COSTS"

A COPY OF THIS LETTER IS ATTACHED TO THE COMPLAINT.

(5b) HUNT & HENRIQUES IS A LAW FIRM WHOSE PRIMARY BUSINESS IS THE COLLECTION OF CONSUMER DEBT ^{ASSIGNED BY} ~~FROM~~ THIRD PARTIES. HUNT & HENRIQUES MEETS THE DEFINITION OF A "DEBT COLLECTOR" FOR PURPOSES OF THE FAIR DEBT COLLECTION PRACTICES ACT (15 U.S.C. § 1692) (HEREINAFTER "FDCPA").

(5c) IN THE LETTER OF SEPT. 23, 2015, HUNT & HENRIQUES MAKES THE FOLLOWING CLAIM:

"LEGAL ACTION COULD RESULT IN A JUDGMENT AGAINST YOU THAT WOULD INCLUDE THE COSTS AND NECESSARY DISBURSEMENTS WHICH SHALL BE LIMITED TO THE ACTUAL COST OF THE FILING (SIC) FEE, THE ACTUAL COSTS OF SERVICE OF PROCESS AND ... REASONABLE ATTORNEYS' FEES." (UNDER-SCORE ADDED).

THE LETTER MAKES NO REFERENCE TO ANY SPECIFIC CODE SECTION WHICH WOULD ALLOW FOR RECOVERY OF THE COSTS LISTED.

(5d) THERE IS NO PROVISION IN EITHER CALIFORNIA OR FEDERAL LAW WHICH PROVIDES FOR THE RECOVERY OF ANYTHING CALLED A "FILING FEE." CLAIMING THAT

1 ~~(5d)~~ A JUDGMENT AGAINST ME COULD RESULT IN
2 THE REWARD/RECOVERY OF A "FILLING FEE" IS IN
3 VIOLATION OF MULTIPLE PROVISIONS OF THE FDCA, INCLUDING
4 § 1692e(2)(B), 1692e(5), 1692e(10) AND 1692(F).

5 (5e) IT IS MY UNDERSTANDING THAT THE NINTH
6 CIRCUIT HAS HELD THAT FDCA VIOLATIONS ARE TO
7 BE INTERPRETED UNDER A STANDARD OF STRICT LIABILITY.

8 (5f) IT IS ALSO MY UNDERSTANDING THAT
9 COMMUNICATIONS FROM DEBT COLLECTORS ARE TO BE
10 CONSIDERED, ACCORDING TO THE NINTH CIRCUIT, FROM THE
11 PERSPECTIVE OF THE "LEAST SOPHISTICATED CONSUMER."

6. Demand for Relief

State what you want the Court to do for you. For example, depending on which claims you raise, it may be appropriate to ask the Court to award you money or order the defendant to do something or stop doing something. If you are asking for money, you can say how much you are asking for and why you should get that amount.

I AM ASKING FOR THE STATUTORY RELIEF PROVIDED
BY THE FDCA :

a) AN AWARD OF ONE THOUSAND DOLLARS (\$1000.)
b) ALL COSTS, INCLUDING FILING FEES, SERVICE
OF PROCESS, ~~AND~~ REASONABLE ATTORNEY FEES AND ANY OTHER
COSTS ENGENDERED BY THIS SUIT.

7. Demand for Jury Trial

Check this box if you want your case to be decided by a jury, instead of a judge.

☐ Plaintiff demands a jury trial on all issues.

All plaintiffs must sign, date, and print their names at the end of the Complaint. Attach another page if you need to.

Respectfully submitted,

Date:

9/19/16

Sign Name:

Brian R. Grantham

Print Name:

BRIAN R. GRANTHAM

MICHAEL S. HUNT
JANALIE HENRIQUES

HUNT & HENRIQUES
ATTORNEYS AT LAW
151 BERNAL ROAD, SUITE 8
SAN JOSE, CA 95119-1306

TELEPHONE (800)496-5048

September 23, 2015

BRIAN R GRANTHAM
1290 E 23RD ST
MERCED CA 95340-4164

Re: NOTICE OF INTENT TO FILE SUIT AND INCUR COURT COSTS

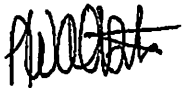
CAPITAL ONE BANK (USA), N.A.
Account number ending in: 3868
Balance due as of September 23, 2015: \$5,348.71

Dear BRIAN R GRANTHAM:

The purpose of this letter is to advise you that our firm intends to file suit against you on behalf of our client CAPITAL ONE BANK (USA), N.A.. Legal action could result in a judgment against you that would include the costs and necessary disbursements which shall be limited to the actual cost of the filing fee, the actual costs of service of process and, when otherwise specifically allowed by law, reasonable attorneys' fees.

This communication is from a debt collector.

Very truly yours,



Andrea Watkins
Hunt & Henriques
Attorneys at Law

HUNT & HENRIQUES
ATTORNEYS AT LAW
151 BERNAL ROAD, SUITE 8
SAN JOSE CA 95119-1306
RETURN SERVICE REQUESTED



BRIAN R GRANTHAM
1290 E 23RD ST
MERCED CA 95340-4164

COMPLAINT EXHIBIT A

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